Iowa Tightens Rules Governing the Use of Seclusion and Restraint in Schools

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New Standards of Practice

The state of Iowa recently amended its rules on corporal punishment, physical restraint ("restraint"), and physical confinement and detention ("seclusion") in educational settings. These rules are published in Chapter 103 of the Iowa Department of Education's administrative rules. They will be referred to as "Chapter 103." The changes apply to employees of local school districts, AEAs, and accredited nonpublic schools, and the children these employees serve. The board of a school or AEA may adopt its own policies, but only if they <u>exceed</u> the minimum requirement of Iowa rules.

The purpose of Chapter 103 is to provide guidance to all educators across the state on physical restraint, what is considered reasonable force, and limitations on physical contact with students.

Any use of seclusion or restraint is subject to the rules of Chapter 103, regardless of what language is used to describe it. In other words, if a school employee uses one of these methods to deal with student behavior, labeling the method "time out" rather than "seclusion" does NOT exempt the school from Chapter 103.

Chapter 103 applies to all students, including those receiving special education services and supports. A student's IEP may contain practices or procedures that are individualized to meet a student's needs, but CANNOT be out of compliance with Chapter 103.

Definitions:

"Physical confinement and detention" or "Seclusion " – involuntary confinement of a person in a room or area from which the person is physically prevented from leaving.

"Physical Restraint" – any manual method that restricts freedom of movement of a person's arms, legs, or head.

3 Important Points for Educators

1. <u>Periodic training</u> is now required for educators to equip them with the tools to determine when seclusion and restraint may be necessary and reasonable. Schools are required to provide staff with training on alternative approaches such as Positive Behavior Interventions and Supports (PBIS), crisis prevention, intervention, and de-escalation, as well as safe and effective ways to employ

seclusion and restraint. Schools must now document every instance of seclusion or restraint. Additional information about training is available by contacting your AEA or the Iowa Department of Education at 515-281-3176.

Positive Behavioral Interventions and supports (PBIS) is a comprehensive system of behavior management designed to increase prosocial student behavior and is now part of the required training.

- 2. <u>Prone Restraint is explicitly prohibited</u>. Prone restraint is any type of restraint in which the student is held face-down. This is prohibited (except in emergency situations) because of the risk of choking, suffocating and death associated with its use.
- 3. Educators who violate the rules that address restraint may be subject to civil and/or criminal liability.

What is the Purpose of Seclusion and Restraint?

Seclusion and restraint are two techniques to be used as a <u>last resort t</u>o control the behavior of students, only when other reasonable techniques have been unsuccessfully attempted.

What Should Parents, Teachers and Administrators Know?

The changes in Chapter 103 apply to <u>ALL</u> employees of school districts, AEA, and accredited nonpublic schools, as well as to all students.

The rules serve two major purposes. The first is to provide a safe and productive learning environment for all students. The second is to improve student achievement. A safe learning environment is necessary for improvements in academic achievement.

The new rules require all employees to be trained in the use of physical restraint and confinement before using seclusion or restraint. Training must be "adequate" and "periodic" as well as "appropriate for the employee's position and responsibilities." Certain staff members will have more intensive, frequent, and extensive training than others. Training will cover topics such as Chapter 103, Positive Behavioral Interventions and Supports, crisis prevention, intervention, and de-escalation, and safe and effective ways to use physical restraints and seclusion.

This training will teach staff members about when the use of seclusion and restraint is appropriate and howto use these means in a safe and effective way.

Schools now must give annual notice of Chapter 103 and the school's policies about seclusion and restraint. Schools *must attempt to notify parents on the day of an instance* of seclusion or restraint. They must also thoroughly document every instance of seclusion and restraint. Schools must send this written documentation to parents within three days of the incident.

Documentation requirements include:

- The names of all people involved in each incident;
- Date, time, and duration of the incident;
- Student and employee behavior before, during, and after the incident;
- If any alternative disciplinary procedures were attempted first,
- A description of all injuries and property damage resulting from the instance, and
- What approaches to the student's behavior will be attempted in the future.

Chapter 103 bans Corporal Punishment

The rules *ban all corporal punishment*. This is not a new requirement. Corporal punishment is defined as any intentional (deliberate) "physical punishment of a student" including "use of unreasonable or unnecessary physical force, or physical contact made with intent to harm or cause pain."

Corporal punishment is not:

- Verbal chastisement;
- Any reasonable request for physical activity or extracurricular athletics;
- Detentions within reasonable time limits;
- Actions consistent with IEPs, so long as the IEP does not violate Chapter
 103
- Actions against non-students

What is "Necessary and Reasonable" force?

Physical force is allowed if it is necessary and within reason. There are five qualifying standards upon which "reasonable" and "necessary" are judged.

- 1. The student's size and physical, mental, and psychological condition;
- 2. The nature of the student's behavior;
- 3. The method used to apply force;
- 4. The extent of injury to the student (if any);
- 5. Employee motivation for using force.

The decision making process requires deliberate thought before using either technique.

Examples of situations where force may be necessary and reasonable, according to Chapter 103, include:

- To suppress a disturbance or prevent an act that threatens harm to another;
- To obtain a weapon or other dangerous object;
- Self-defense or defense of others;
- To protect property; and
- To maintain order and control.

Injury to the student does not necessarily equate with inappropriate force if the intention was appropriate, but inappropriate force is never acceptable, even for the above purposes. Safety must always be the primary consideration. One may not use these techniques for minor infractions.

Responding to Problem Student Behavior, Are there Good Alternatives to Seclusion and Restraint?

YES. There are many alternatives to seclusion and restraint. PBIS has been proven to increase student time in instruction while decreasing office referrals and suspensions. While PBIS is implemented within an educational setting, it teaches students skills that are also applicable in the home and community.

The focus is on positive and acceptable behaviors that apply in all settings. It is based on positive reinforcement for desired behaviors, consistent and systematic correction procedures, and prevention of undesirable behaviors. Alternatives provided should match the function of the student's behavior and should address both prevention and consequences of undesirable behavior.

Other disciplinary options include giving a wide array of choices, teaching alternative behaviors and using appropriate instructional levels.

Definitions:

Crisis prevention – methods emphasizing ways to provide resolutions to the causes of the conflict, effectively stopping or slowing further escalation.

Crisis intervention – methods used to come between the person and the cause of the crisis, to offer an immediate, short-term solution.

Crisis de-escalation – methods used to decrease the intensity and magnitude of the conflict situation.

Crisis prevention, crisis intervention and crisis de-escalation are other approaches to handling severe situations. Trained staff will recognize signs and

symptoms of distress and will have the skills to assess the situation accurately, select a response that is most likely to end the undesired behavior, teach replacement behavior, and use the lowest level of coercion. These are means to avoid a crisis situation while also achieving safety for all students and staff.

What is Restraint?

"Restraint" is any method that restricts or reduces another person's ability to move his or her arms, legs, or head freely (Welfare League of America, 2002). Employees may use "minor and reasonable" physical contact to maintain order and control. Not every contact with a student is considered restraint. For example, hand-over-hand guidance/instruction (such as a teacher placing her hand over a student's hand to guide handwriting) is within reason and not considered physical restraint.

Material restraints may not be used in any fashion to confine or restrain students. Safety, therapeutic, and medical devices are not considered material restraint if they are used as designed and/or prescribed. The improper use of any device constitutes a violation of Chapter 103.

According to Chapter 103, if "an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have the student's hands free of restraint for brief periods, unless an employee determines that such freedom appears likely to result in harm to self or others."

Prone restraint, also referred to as ground restraint, is now BANNED. If an employee finds herself using the prone restraint to respond to an emergency, the employee must take immediate steps to end the prone restraint.

Seclusion: Confinement and Detention

Under Chapter 103, seclusion involves the involuntary removal of a student to a room or other place from which the student's ability to leave is restricted. Seclusion is designed to provide the student an opportunity to calm down and to resolve issues of safety.

The size of the space where the student is confined must be of reasonable dimensions, free from hazards, and with sufficient lighting and adequate ventilation. The time a student spends in seclusion must be reasonable considering the student's age. The student must be afforded reasonable breaks for bodily functions, but sleep is not considered a "bodily function."

If the time spent in seclusion exceeds sixty minutes or the typical class period (whichever is less), an administrator must give approval. The student must also have adequate and continuous adult supervision.

If a door is used for confinement and has a locking mechanism, it must comply with all building and fire codes and with Chapter 103.

Are Most Uses of In-School Suspension Considered "Physical Confinement and Detention," governed by Chapter 103?

According to the Iowa Department of Education, typical in-school suspension arrangements are not "physical confinement and detention."

- A teacher ordering a student to remain in an in-school suspension room, standing alone, does not constitute a physical confinement of a student.
- Merely closing the door of an in-school suspension room does not restrict
 the students' egress to the point where a student would be considered
 "confined" in the room.

For more information, Please contact:
Your school district's Director of Special Education,
Your local Area Education Agency,
The Iowa Department of Education at www.iowa.gov/educate/
The ASK Resource Center (Iowa's Parent Training and Information Center)
At www.askresource.org or 800-450-8667